

Notice of Allowability

Application No.

10/711,597

Examiner

Robert G. Santos

Applicant(s)

KIRKWOOD, SUSAN

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 23 August 2007 and the telephonic interview held on 04 September 2007.

2. ☒ The allowed claim(s) is/are 1-11, 13-18 and 20-25, now renumbered as claims 1-23.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070904.

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.


ROBERT G. SANTOS
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nancy L. Reeves on September 4, 2007.

The application has been amended as follows:

On page 8, in paragraph 28 of the specification:

- 1) In lines 3 & 12: The number "180" has been changed to --190--.
- 2) In line 8: The number "190" has been changed to --180--.
- 3) In line 11: The term "first" has been changed to --second--, the term "second" has been changed to --fourth--, and the number "180" has been changed to the phrase --190 and 200--.

In the claims:

- 1) In claim 1, line 12: The phrase --to accommodate an object-- has been inserted after the term "open".
- 2) Claims 12 and 19 have been cancelled.
- 3) Claims 13-18 have been reinstated (due to their dependence upon independent claim 1).

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- 4) In claim 13, line 7: The term "first" has been changed to --second--.
- 5) Claim 23 has been reinstated (due to its dependence upon independent claim 20).

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: In Figure 10, the number "170" in the upper left-hand corner of the Figure has been changed to --190--, and the number "190" has been changed to --180--. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance: The examiner respectfully asserts that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a mobility assistance device comprising the particular structural configuration of a thin, *generally rectangular flexible* strip having first and second ends, a center, and inner and outer surfaces; wherein the thickness of the center is *greater* than the thickness of the first and second ends and includes two edges which are *generally parallel to the length of the strip, no more than one of which is open to form a center pocket which accommodates an object or insert*; and a plurality of fasteners affixed to locations selected from the first and second ends and center of the strip on the *inner* surface, as explicitly recited in Applicant's independent claims 1 and 20. With regards to the prior art, most conventional body support devices comprising a flexible strip typically include a plurality of contoured or angled edges which conform to various regions of a user's body; a single fastener affixed to an inner surface on the

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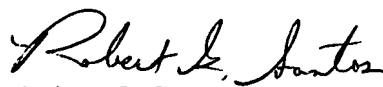
strip which mates with a single fastener disposed on an outer surface; and a padded center region formed by an article (usually having a width greater than the width of the strip) fixedly attached to an outer or inner surface of the strip, as opposed to an object that is inserted into the strip itself through a single open edge as specifically claimed by Applicants. Hence, it is considered that the application is currently in full and proper condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert G. Santos
Primary Examiner
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R.S.
September 4, 2007